

REMARKS/ARGUMENTS

I. Introduction

Claims 1-10 are pending in the application.

Claims 1 –10 are objected to because of certain informalities.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Chisholm, U.S. Patent No. 4,640,540.

Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Malles Jr., U.S. Patent No. 4,447,927.

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malles Jr., U.S. Patent No. 4,447,927, in view of Beers, Jr. et al., U.S. Patent No. 6,393,646.

II. Discussion

Claims 1, 6 and 8 have been amended. The informalities have been corrected.

Additionally, the claims have been amended to describe the unique structure of the scooping head that is different from the cited prior art. In particular, the blade end is described as have a curved tip and curved edges with the curved tip configured to be drawn against the gutter to scoop out debris.

Applicant respectfully traverses the rejections and requests reconsideration. As currently amended, among other differences, none of the cited art either alone, or in combination anticipates or renders obvious the claimed invention.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Should the Examiner have any questions or comments, or believe that certain clarifications might more readily progress the present application to issuance, a telephone call to the undersigned Applicant's representative at 713-651-5423 is earnestly solicited.


Application No.: 09/964,312

Docket No.: HO-P02301US0

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02301US0 from which the undersigned is authorized to draw.

Dated: March 28, 2005

Respectfully submitted,

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